

EXHIBIT F

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

02 NOV -7 PM 3: 54

U.S. DISTRICT COURT
N.D. OF ALABAMA

ELLEN GAYLE MOORE, FANNIE
MC CONNEL, SPENCER WILLIAMS,
and ANITA BOWERS, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

LIBERTY NATIONAL INSURANCE
COMPANY,

Defendant.

ENTERED

NOV 7 2002

Civil Action Number (lead case):

99-C-3262-S

Consolidated Cases:

02-C-219-S; 02-C-454-S; 02-C-576-S;
02-C-639-S; 02-C-717-S; 02-C-718-S;
02-C-719-S; 02-C-903-S; 02-C-946-S;
02-C-1011-S; 02-C-1034-S; 02-C-1371-S;
02-C-1498-S; 02-C-1619-S; 02-C-1875-W

CASE MANAGEMENT ORDER

Presently before the Court are several motions relating to case management in the above action. First, defendant Liberty National Life Insurance Company ("Liberty National") has filed a "Motion for Case Management Order." (Doc. 151.) Specifically, Liberty National asks this Court: (1) to create a master case number/file for this litigation, (2) to stay discovery in the individual cases pending a decision on class certification, and (3) to designate the law office of Whatley Drake, LLC as the centralized document depository for the documents produced by Liberty National in the above actions. However, the law firm of Whatley Drake objects to such a designation because the discovery documents at issue apparently have been reviewed and stored in the San Diego office of another firm representing plaintiffs in *Moore v. Liberty National*, CV-99-C-3262-S. (See Doc. 154.)

The plaintiffs in *Wilkins v. Liberty National*, CV-02-C-576-S, object to Liberty National's proposed case management order. (Doc. 155.) First, the *Wilkins* plaintiffs do not want the Court to stay discovery in the individual cases. Rather, these plaintiffs wish to continue pursuing their individual lawsuit. In addition, the *Wilkins* plaintiffs seek access to the documents produced by Liberty National in response to discovery requests from plaintiffs in the lead case, *Moore v. Liberty National*, 99-C-3262-S. Finally, the *Wilkins* plaintiffs wish to be included in the ongoing discovery involving the *Moore* plaintiffs and Liberty National. (Doc. 156.)

In response to the concerns expressed by the parties and because the above entitled actions warrant special attention as complex litigation, the Court hereby enters the following Case Management Order ("CMO"):

1. **Master File.**

- (a) The Court will maintain a master docket and case file under the following caption: "In re Liberty National Insurance Cases." The Clerk of the Court is directed to assign a docket number for this master file and send a notice to all counsel informing them of the new master case number. Once this master case number is assigned, the parties shall use the new master case number and the above caption on all submissions and correspondence with the Court.
- (b) Once filed in the master case, all orders, pleadings, motions, or other documents, will be deemed filed and docketed in each individual case, except as spelled out below.

- (c) All orders, pleadings, motions and other documents intended to apply solely to selected cases shall indicate: (1) the master case number and caption, and (2) the case number and caption of the selected case(s) to which the documents apply.¹ When orders, pleadings, motions or other documents apply only to selected cases, the submitting party shall provide the Clerk with extra copies of the documents to facilitate filing and docketing in both the master case file and in the selected case file(s).

2. **Discovery:**

- (a) Inasmuch as plaintiffs in one or more of the consolidated actions seek class certification, the Court hereby stays discovery in the individual actions pending a decision on class certification.
- (b) Pending a decision on class certification, any party requesting discovery: (1) shall serve copies of the discovery request on counsel for plaintiffs in each individual action, and (2) shall indicate all recipients on the certificate of service. If an attorney and/or firm represents plaintiffs in more than one action, copies of the discovery requests need not be served twice.
- (c) Inasmuch as the law firm of Whatley Drake, LLP objects to designation as the

¹ The parties should note the proper case numbers for the individual cases as they appear on the front of this order.

centralized document depository, the parties are directed to submit a joint report to the Court, by **December 2, 2002**, outlining a proposed system for making documents available to counsel for plaintiffs in *Moore*, as well as counsel for plaintiffs in the individual cases.

3. **Duty to confer:** Counsel are expected to act in a courteous and professional manner during the conduct of this litigation. Counsel should make a good faith effort to resolve all disputes out of Court and in an expeditious manner. Due to the nature of this litigation, the parties must attempt to resolve their disputes informally before submitting ANY matter (whether or not the matter relates to discovery) to the Court and must so certify in their motions. To the extent counsel for plaintiffs currently complain about access to certain documents and proceedings, counsel should first seek to obtain access before requesting judicial relief. Access to documents and proceedings should not be withheld without good cause.

Done this 1st day of November, 2002.



Chief United States District Judge
U. W. Clemon

UNITED STATES DISTRICT COURT
Northern District of Alabama
Office of the Clerk
Room 140, 1729 5th Avenue North
Birmingham, Alabama 35203
(205) 731-1700

Perry Mathis
Clerk

Sharon Harris
Chief Deputy Clerk

**IN RE: LIBERTY NATIONAL
INSURANCE CASES**

}
}
} **Master Case Number: CV 02-C-2741-S**
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}
}

NOTICE TO PARTIES

In accordance with the ORDER entered this date in CV 99-C-3262-S a master case has been opened for the purpose of management of the consolidated cases involving LIBERTY NATIONAL INSURANCE COMPANY. The master case number is:

CV 02-C-2741-S

PERRY D. MATHIS, CLERK

By: *Dawn Cooper*
Dawn Cooper, Deputy Clerk

PDM:dc

xc: Counsel of record

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED
02 NOV 15 AM 10:12
U.S. DISTRICT COURT
N.D. OF ALABAMA

IN RE: LIBERTY NATIONAL
INSURANCE CASES

Master Case Number:

CV-02-C-2742-2

2741

ENTERED

NOV 15 2002


AMENDMENT TO CASE MANAGEMENT ORDER

Consistent with representations made by counsel for defendant Liberty National in its amended motion for a case management order, the Court hereby amends its November 7, 2002, Case Management Order, as follows:

2. **Discovery:**

- (c) Defendant Liberty National will make available to plaintiffs' counsel in the consolidated cases the documents produced to counsel in *Moore v. Liberty National* (CV-99-C-3262). Said documents shall be available at the offices of Bradley Arant Rose & White, LLP, located at 1819 Fifth Avenue North, in Birmingham, Alabama.

Done this 14th day of November, 2002.


Chief United States District Judge
U W Clemon

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FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN RE: LIBERTY NATIONAL
INSURANCE CASES

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Master Case Number:

2:02-cv-2741-UWC

SUBSTITUTED CASE MANAGEMENT ORDER

In light of the North District of Alabama's adoption of the electronic filing system, the Court's November 7, 2002, Case Management Order is hereby stricken. Unless otherwise directed by the Court, the following case management procedures shall apply to *In Re Liberty National Insurance Cases* and related cases:

1. **FILING MOTIONS AND OTHER DOCUMENTS:**

- a. The Court currently maintains a master docket number and case file for the nineteen consolidated Liberty National Cases: *In Re Liberty National Insurance Cases* (2:02-cv-2741-UWC).¹ All documents must be filed in the master case.

¹ *Moore v. Liberty National* (2:99-cv-3262-UWC) (former lead case); *Adams v. Liberty National* (2:02-cv-454-UWC); *Arnold v. Liberty National* (2:02-cv-1619-UWC); *Bass v. Liberty National* (2:03-cv-2335-UWC); *Betton v. Liberty National* (2:02-cv-946-UWC); *Billingsly v. Liberty National* (2:04-cv-290-UWC); *Brown v. Liberty National* (2:02-cv-718-UWC); *Durrough v. Liberty National* (2:02-cv-1371-UWC); *Edwards v. Liberty National* (2:04cv-620-UWC); *Gray v. Liberty National* (2:02-cv-903-UWC); *Hudson v. Liberty National* (2:02-cv-719-UWC); *Hull v. Liberty National* (2:02-cv-219-UWC); *Morgan v. Liberty National* (2:02-cv-1498-UWC); *Portias v. Liberty National* (2:02-cv-1034-UWC); *Robinson v. Liberty National* (2:02-cv-1011-UWC); *Sunday v. Liberty National* (2:02-cv-639-UWC); *Townsell v. Liberty National* (2:02-cv-1875-UWC); *Wilkins v. Liberty National* (2:02-cv-576-UWC); and *Williams v. Liberty National* (2:02-cv-717-UWC).

The parties shall use this master case number and caption, which appears above, on all submissions and correspondence with the Court relating to any of the consolidated Liberty National Cases.

- b. Additionally when filing a document in the master case, the user must also add the document to the docket sheet for the appropriate consolidated case(s). To accomplish this task, the computer will prompt the user by asking if the document should be “spread” to the consolidated cases. **If the document applies to all of the consolidated cases, the reader should select all of the cases, thereby spreading the text to all cases. However, if the document applies solely to one of the consolidated cases or applies to selected consolidated cases, the user should select only the appropriate case numbers.** The user should be careful to properly spread the text in order to ensure a complete record in the event an appeal is sought in a consolidated case, but not with respect to all of the consolidated cases.

- c. If a document relates solely to one of the consolidated cases or relates to selected consolidated cases, the title of the document should indicate that the document relates only to a selected case or selected cases. For example: “Motion to Dismiss in *Sunday v. Liberty National* (2:02-cv-639-UWC)” or “Motion For Protective Order in *Arnold v. Liberty National* (2:02-cv-1619-UWC) and *Hull v. Liberty National* (2:02-cv-219-UWC).”

d. The parties should familiarize themselves with the electronic-filing Administrative Procedures manual found on the Court's website: alnd.uscourts.gov.

2. **DISCOVERY**: Until otherwise directed by the Court, discovery in the consolidated actions remains stayed.
3. **DUTY TO CONFER**: Counsel are expected to act in a courteous and professional manner during the conduct of this litigation. Due to the nature of this litigation, the parties must attempt to resolve their disputes informally before submitting ANY matter (whether or not the matter relates to discovery) to the Court and must so certify in their motions. All motions SHALL include, in the caption under the case number, a notation that the motion is either "Opposed" or "Unopposed." Additionally, the first paragraph of the motion SHALL briefly summarize the parties' attempts to resolve the issue(s) and set forth areas of agreement and disagreement.

Done this 18th day of May, 2005.



U.W. Clemon
Chief United States District Judge